

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1314 of 1997

in

SPECIAL CIVIL APPLICATION No 699 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

and

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

SMR ALVI

Versus

STATE OF GUJARAT

Appearance:

MR GIRISH PATEL for Appellant

MS SD TALATI, AGP for the respondents.

CORAM : MR.JUSTICE J.N.BHATT

and

MR.JUSTICE D.P.BUCH

Date of decision: 12/12/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Admit. Service of notice is waived by Ms S.D.Talati, AGP for the respondents. At the request and with the consent of the learned advocates appearing for the parties, the matter is ordered to be heard today itself.

This appeal under clause 15 of the Letters Patent is filed against the order dated 9.7.96 dismissing the Special Civil Application No.699/84 for non-prosecution and also the order dated 16.9.97 dismissing Misc. Civil Application No.1284/86.

After having heard the learned advocates appearing for the parties and having considered the facts and circumstances, we are of the opinion that this is a fit and appropriate case, in the larger interest of justice, to restore the original petition being Special Civil Application No.699 of 1984 on file.

Accordingly, this Letters Patent appeal is allowed. Special Civil Application No.699/84 is restored to file. Office is directed to place the Special Civil Application before the court taking up such matters for further hearing. No order as to costs.

(J.N.Bhatt, J.)

(D.P.Buch, J.)

(vjn)